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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,315	12/21/2001	Keith Krasnansky	TI-33134 (1.122US)	6667

23494 7590 10/04/2005

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EXAMINER

KNEPPER, DAVID D

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,315

Applicant(s)

KRASNANSKY ET AL.

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Applicant's correspondence filed on 21 Dec 2001 has been received and considered. Claims 1-20 are pending.

Priority Claims

2. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Specification

3. The disclosure is objected to because of the following informalities:
Appropriate correction is required.

Claims

4. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The applicant's specification and drawings fail to show any details that could enable speech recognition nor the reception of data of any type. The specification is generic and fails to provide any processing details to give a programmer any clues as to what types or formats to use for processing or transmission of the desired data. The specification indicates that the format need not be converted into text (page 17, paragraph 16) but could take other formats. However,

no particular format is taught. This is a particular problem because some format must be designated for the patterns that represent different speakers (as well as a general pattern). Without knowing what sort of patterns to use for analysis, recognition, and synthesis, anyone trying to make and use this invention would have to guess what sort of hardware/software combination to use in order to make a functional system. This absence of knowledge will similarly prevent any ability to update the patterns since they are not defined.

The prior art shows a wide variety of data formats have been used to represent speech and text which includes the use of speaker profiles. Without further details, it is assumed that the prior art methods have not been improved upon. Failure to provide such details indicate that either the applicant came up with this idea without reducing it to practice or is hiding necessary details for achieving the best mode.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-7, 9-11, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fette (4,707,858).

Claims 1, 11, 14: Fette clearly teaches the ability to recognize speech, convert it into text and communicate across any known data channel so the information may be converted at the received end of the channel. See, for example, column 1, lines 34-61 where he performs “translating said speech” to ASCII or a numeric code; “communicating said text across a communication link” where his message is transmitted to a remote terminal; and line 60-61 where “translating” results whereby a voice similar to that of the original speaker is synthesized.

Claim 2: Using a “default voice profile” is taught by Fette in column 5, lines 50-55 where he teaches that templates generally representative of each specific word to be recognized can be used in place of a word model for each word spoken by each speaker...

Claims 3-7, 9, 10: The use of a “voice profile” is taught as noted above and also in column 5. See his option to update his voice model by the composite statistics of this usage session (col. 5, line 36-37).

Claims 16, 17: Fette clearly shows that his system is bi-directional in figure 2 capable of sending and receiving as is common to telephone systems. See also column 8, lines 18-23 which clearly indicate that his system is for general communications from the sending end to the receiving end and is applicable to general communications systems.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 12, 13, 15 and 18-20 are rejected under 35 U.S.C. § 103 as being unpatentable over Fette (4,707,858) or Guan (6,502,073).

Claim 8, 12, 13, 15, 18-20: It is noted that Fette does not explicitly teach the “a default voice profile” being used and then “using said speaker’s voice profile...after said speaker’s voice profile has been communicated”. However, he teaches that that it is known to use word models generally representative of each specific word (col. 5, lines 50-51) and that at the end of the usage session the speaker is given the option to update his voice model (col. 5, lines 35-36). This teaches that it is obvious to update or switch to a user specific voice model after an individual’s voice is fully analyzed (...at the end of the usage session). As further evidence of obviousness, Guan is cited to show that it is obvious to make such improved substitutions in column 10, lines 55-66 where he states: In an initial state of use...the meaning-group synthesizer 28 produces a discrete speech signal based on common or default voice-prints...As the speaker continues to speak, however, the voice-print annotation module 16 collects and gathers more information about the speaker’s personality concluding in col. 11, lines 6-9, Over

time with further speech samples form the speaker, the improvement in the naturalness of the speaker's voice personality increases. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, that a speaker's voice profile may be improved over time such that a default profile may be used until an improved version is produced and communicated to a receiver as explained by the prior art noted above.

The ability to simultaneously transmit is taught as noted above regarding claims 16, 17. Guan teaches that his communication system can implement phone communications over the Internet (see figure 1). While Guan's figure does not explicitly show bi-directional arrows, his indication of a PHONE (telephone) FRONTEND 12 and BACKEND 30 is clearly representative of Internet telephony (see Guan, col. 1, lines 13-23). It is noted that the applicant does not enable Internet communications but makes some general statements about prior art on page 1 (paragraph 3) which acknowledges that telephony communications using Voice over Packet (VoP) is well-known.

Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The additional prior art is considered cumulative to the art applied against the claims and is cited to show that it is well known to compress speech using text or other representations in combination with speech parameters that may be transmitted to allow low bandwidth speech communications.

10. Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

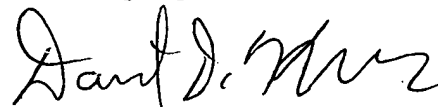
Fax phone number for Group 2600 is (703) 872-9306

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper
Primary Examiner
Art Unit 2654

September 28, 2005